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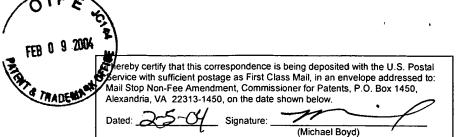
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			Application Number	09/665,728
TRANSMITTAL FORM  (to be used for all correspondence after initial filing)			Filing Date	September 20, 2000
			First Named Inventor	Lawrence W. STANTON
			Art Unit	1646
<u>,                                    </u>		Examiner Name	E. O'Hara	
Total Number of Pages in This Submission		6	Attorney Docket Number	er 219002031600
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Fee Transmittal Form		Drawing(s)		After Allowance Communication to Group
Fee Attached	L	Licensing-related Papers		Appeal Communication to Board of Appeals and Interferences
X Amendment/Reply (3 pages)		Petition		Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
After Final		Petition to Co Provisional A		Proprietary Information
Affidavits/declaration(s)	x		orney, Revocation	Status Letter

Fee Transmittal Form	1	Drawing(s)	After Allowance Communication to Group		
Fee Attached		Licensing-related Papers	Appeal Communication to Board of Appeals and Interferences		
X Amendment/Reply (3	pages)	Petition	Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)		
After Final		Petition to Convert to a Provisional Application	Proprietary Information		
Affidavits/decla	ration(s)	Power of Attorney, Revocation Change of Correspondence Address (2 pages)	Status Letter		
Extension of Time Re	equest	Terminal Disclaimer	X Other Enclosure(s) (please identify below):		
Express Abandonme	Abandonment Request Request for Refund		Return postcard		
Information Disclosur	re Statement	CD, Number of CD(s)			
Certified Copy of Price Document(s)	ority				
Response to Missing Incomplete Application		Remarks			
Response to M under 37 CFR		Customer No. 25225			
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT					
Firm MORRISON & FOERSTER LLP James J. Mullen, III, Ph.D 44,957					
Signature Signature					
Date February 5, 2004					

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 2-5-04

Signature: (Michael Boyd)



Docket No.: 219002031600

(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Lawrence W. STANTON et al.

Application No.: 09/665,728 Confirmation No.: 8743

Filed: September 20, 2000 Art Unit: 1646

For: SECRETED FACTORS Examiner: E. O'Hara

## **RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Non-Fee Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed January 6, 2004. Accordingly, this response is timely filed.

## **ELECTION OF INVENTION**

Claims 34-47 are pending in this application. Restriction has been required as between the following allegedly distinct groups of inventions:

Group I (claims 34-39), drawn to a method for identifying genes differentially expressed in disease state.

Group II (claims 40-47), drawn to a method for identifying candidate compounds that modify expression of a gene differentially expressed in a disease state comprising providing a candidate compound to the subject in the disease state and determining if the candidate compound modifies expression.

Applicants hereby elect Group I (claims 34-39), without traverse. Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit**Account No. 03-1952 referencing 219002031600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: February 5, 2004

Respectfully submitted,

James J. Mullen, III, Ph.D. Registration No.: 44,957

MORRISON & FOERSTER LLP 3811 Valley Centre Drive, Suite 500

San Diego, California 92130

(858) 720-7940